IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Richard Frederick McNichol
Appl. No.	:	10/765,979
Filed	:	January 29, 2004
For	:	HYDRAULIC GRAVITY RAM PUMP
Examiner	:	Philip E. Stimpert
Group Art Unit	:	3709

DECLARATION UNDER 37 CFR §1.132
OF RICHARD FREDERICK MCNICHOL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Richard Frederick McNichol, declare as follows:

1. I am a Canadian citizen residing at 5884 181 A Street, Surrey, British Columbia, Canada, V3S 4T2. I am the President of Hydro Pacific Pumps, Inc. (hereinafter "Hydro Pacific"), which is the licensee of the U.S. Patent Application Serial No. 10/765,979 entitled "HYDRAULIC GRAVITY RAM PUMP," which was filed on January 29, 2004. I have full knowledge of Hydro Pacific's commercial success in marketing its unique hydraulic gravity ram pump; this same hydraulic gravity ram pump described and claimed in the present application.

2. I have approximately 40 years experience as a groundwater geologist. Amongst some of my professional associations and awards are the following: From 1968 to 1971 I worked with Robinson, Roberts & Brown, a group of groundwater geologists. From 1974 to 1982 I worked for Pacific Water Wells, first as an Assistant Manager, then as a General Manager and finally as a Vice President of the company. From 1976 to 1986 I was President of R.F. McNichol Ltd., a groundwater and drilling consultant company. From 1973 to 1986 I was the President of the CPI Group of Companies, a diversified group

of companies in the Groundwater, Pump, Irrigation and Water Treatment market in Western Canada and the North West United States. From 1984 to 1999 I was President of Hydrophilic Industries Ltd., a Canadian company, which amongst other things, was responsible for supplying slotted and threaded PVC pipe for piezometers and horizontal drains for mines. I have extensive experience in Corporate Management Administration; Groundwater and Drilling Consulting; Project Management; Water Well Design & Completion; Construction Dewatering & Well Rehabilitation. I was President of Aquaflo Testing & Equipment Ltd. (Canada) and Aquaflo Testing & Equipment, Inc. (U.S.), a specialist Groundwater Construction and Management Company. From 1986 to 1999, I was President of CPI Equipment Ltd., which specialized in designing and building water supply and irrigation projects, including material supply and installation of wells, intake structures, pumping and piping equipment. The assets of that company were sold to B.C. Gas in 1999 and these companies were some of the original companies that are now Corix Utility Services. I am an active member of many industry groups and have twice served as the President of the B.C. Ground Water Association as well as being past President of the Canadian Ground Water Association. I am currently a member of both the Canadian Ground Water and the US National Ground Water Association and other industry associations with numerous industry designations.

3. Currently I am the President of Hydro Pacific. Hydro Pacific produces hydraulic gravity ram pumps as described and claimed in the present application. Such pumps are used primarily for extracting water and/or other liquids long distances below the surface of the earth and/or below the ocean. The prototype hydraulic ram pumps of the present application have achieved efficiencies greater than any other pumps currently used in the industry. In fact, some of our prototype hydraulic gravity ram pumps have calculated efficiencies of over 96%, much higher than other currently used pumps in the industry. As discussed below, this high efficiency is one of the factors responsible for the commercial success of our pumps.

4. There are several companies that produce pumps currently used in the oil, gas and water industries for extracting liquid from wells and mines. Our closest

competitors in today's commercial market are companies that market a variety of conventional centrifugal pumps with efficiencies of approximately 30 to 50%. For example, Grundfos SQ series pumps (Grundfos Pumps Corp. U.S.A., Olathe, KS) that are of a similar size to our prototype pumps have a maximum efficiency of about 30%. In contrast, as noted above, our prototype hydraulic gravity ram pumps have calculated efficiencies of over 96%. These surprisingly high efficiencies, when compared to those of the current industry pumps, have created enormous positive attention for Hydro Pacific.

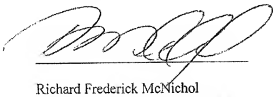
5. The industry response to the hydraulic gravity ram pumps has been overwhelmingly enthusiastic. Although a relatively new company, Hydro Pacific has already successfully attracted the interest of several large businesses for its hydraulic gravity ram pumps. Negotiations have been underway for licenses and sales in excess of 8.5 million dollars. Approximately 6 million dollars (USD) of the above amount is associated with oil and gas markets. Commercial interest is directly related to the features claimed in the present application that contribute to the increased efficiency of our hydraulic gravity ram pump. Hydro Pacific has also successfully contracted to provide individual hydraulic gravity ram pumps for several smaller operations, which are interested in our pump because of the superior efficiencies achieved as compared to other commercially available pumps.

6. There is no question that Hydro Pacific's commercial success is a direct result of the effectiveness of its hydraulic gravity ram pumps. Hydro Pacific has not undertaken a large advertising campaign. Instead, Hydro Pacific has relied on the measured effectiveness of its prototype hydraulic gravity ram pumps and word-of-mouth advertising for its many customer referrals.

7. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

8. The undersigned declares further that all the statements made herein of his own knowledge are true and that all statements made on information and belief are believed

to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.



Date: 08/31/2007

Richard Frederick McNichol
President, Hydro Pacific Pumps Inc.

4200762
082807